

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1442

January 13, 2016

SUMMARY OF BILL: Requires compensation awarded as attorney fees under the Criminal Injuries Compensation Act to be paid to the court appointed special advocates program when a claim is filed or assisted by an employee or volunteer of such program on behalf of a claimant.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$21,300/Criminal Injuries Compensation Fund

Other Fiscal Impact – To the extent the state receives approval for reimbursement through the federal Victims of Crime Act Grant; the recurring increase in federal expenditures and the recurring increase in state revenue allocated to the Criminal Injuries Compensation Fund would be approximately \$12,800.

Assumptions:

- The Criminal Injuries Compensation Program, under the Department of Treasury (Treasury), will be required to pay employees or volunteers for court-appointed special advocates' (CASA) program attorney's fees.
- According to Treasury, CASAs are generally used for claims involving sexually abused children. There were 496 of these claims approved in FY14-15, with an average attorney fee of \$425.
- Treasury estimates that 10 percent of advocate assistance is attributable to CASA activity.
- Approximately 50 advocates would receive fees annually (496 claims x 10%).
- The recurring increase in state expenditures from the Criminal Injuries Compensation Fund is estimated to be \$21,250 (50 claims x \$425).
- Any increase in CASA activity resulting from the ability to recover attorney's fees is estimated to be not significant.
- The Criminal Injuries Compensation Fund receives reimbursement through the federal Victims of Crime Act Grant in the amount of 60 percent of certified state expenditures. Under current terms, the state receives reimbursement for attorney's fees. Treasury is uncertain as to whether federal grant funding would be approved for non-attorneys under

the attorney's fees reimbursement allowance contained in the grant. If awarded by the federal government, the recurring increase in federal expenditures and the recurring increase in state revenue to the Criminal Injuries Compensation Fund would be approximately \$12,750 (\$21,250 x 60%).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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